

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEWEY R. BOZELLA,

Plaintiff,

ORDER

- against -

10-CV-4917 (CS)

THE COUNTY OF DUTCHESS,

Defendants.

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Seibel, J.

Before the Court is Defendant Dutchess County's Motion for Reconsideration, (Doc. 193), of my September 23, 2104 bench ruling denying its Motion for Summary Judgment. Familiarity with that ruling is presumed.

The motion is denied, essentially for the reasons stated by Plaintiff. (*See* Doc. 196.) Defendant has not met the high bar for reconsideration. Even if it had, the Amended Complaint sufficiently alleged that, and the record on summary judgment provided sufficient support to present a question of fact as to whether, there existed a custom or usage subjecting the County to *Monell* liability. A policy, custom or usage can be but does not have to be inferred circumstantially from a failure to train or failure to supervise. Here there is evidence that members of the District Attorney's Office articulated or announced what the policy of that office was, and there is sufficient evidence to create a fact issue for trial as to whether that policy was so articulated with the knowledge and approval of the District Attorney, comported with *Brady* and caused the injury to Plaintiff.

The Clerk of Court is respectfully directed to terminate the pending motion. (Doc. 193.)

Dated: October 30, 2014
White Plains, New York


CATHY SEIBEL, U.S.D.J.